

Amendment No. 2 to HB0362

Faison
Signature of Sponsor

AMEND Senate Bill No. 295

House Bill No. 362*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 5, is amended by adding the following as a new section:

(a)

(1) Upon the development of any proposed national pollutant discharge elimination system (NPDES) permit to a municipal separate storm sewer system operated by a local governmental entity the commissioner of environment and conservation shall promulgate rules that include the proposed permit for review pursuant to § 4-5-226. The review shall include, but not be limited to, an assessment of the financial impact of the post-construction stormwater requirements on the local governmental entity and persons required to comply with the post-construction stormwater requirements of the NPDES permit.

(2) No NPDES permit to a municipal separate storm sewer system operated by a local governmental entity shall be issued until the rules promulgated pursuant to subdivision (a)(1) have been continued pursuant to § 4-5-226(a).

(b) In addition to the requirements of § 4-5-226, in reviewing the NPDES permit and its financial impact as prescribed in subdivision (a)(1) the government operations committees of the senate and the house of representatives shall make recommendations to the general assembly, as necessary, to ensure that the requirements for permanent stormwater measures do not exceed the minimum

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requirements required by federal law with consideration of the cost-benefit of such measures.

SECTION 2. The department of environment and conservation shall consult with local governmental entities and the Home Builders Association of Tennessee to determine the financial impact of new NPDES permits. The department of environment and conservation shall work within the department's current year's budget and personnel without placing an undue burden on local governmental entities to obtain the financial impact of new NPDES permits.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.